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18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 SHANNON SOBASZKIEWICZ and KEVIN  
21 STERLING, individually and on behalf of all  
22 others similarly situated, and as a proxy of  
the State of California on behalf of aggrieved  
employees, and HERMAN OVERPECK,  
23 individually only,

24 Plaintiffs,

25 v.

26 FEDEX GROUND PACKAGE SYSTEM,  
INC.,

27 Defendant.  
28

Case No: 4:18-cv-07553-PJH (DMR)

**NOTICE OF SETTLEMENT AND JOINT  
REQUEST FOR DISMISSAL WITHOUT  
PREJUDICE OF PAGA CLAIMS; PROPOSED  
ORDER**

Trial Date: April 17, 2023

Place: Oakland Courthouse

Courtroom: 3, 3rd Floor

Action filed: December 14, 2018

1 The Parties have reached a confidential agreement on Plaintiffs' individual claims and will  
 2 file a stipulation to dismiss those claims with prejudice once certain conditions are satisfied between  
 3 them.

4 One of the forgoing conditions is the Court's dismissal without prejudice of the PAGA  
 5 claims. The Parties therefore request that the Court dismiss without prejudice Plaintiffs' individual  
 6 and representative Private Attorneys General Act of 2004, Cal. Lab. Code §§ 2698, et seq.  
 7 ("PAGA"), claims. The Parties' counsel agree that the Court's dismissal without prejudice of the  
 8 PAGA claims does not require a fairness review by the Court, and that the Court's dismissal is in  
 9 compliance with applicable law.

10 After dismissal of the PAGA claims without prejudice, and satisfaction of the other  
 11 conditions of the settlement agreement, the parties will file a dismissal with prejudice of all  
 12 remaining individual claims, which will resolve the action in its entirety. In the meantime, the  
 13 parties request that in light of the settlement, the Court vacate the current deadlines for filing the  
 14 final pretrial conference statement and other pretrial materials. *See* Dkt. 396.

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 16  
 17  
 18 Dated: February 23, 2023

Respectfully submitted,

WHEELER TRIGG O'DONNELL LLP

19  
 20 By: /s/ Jessica G. Scott

JESSICA G. SCOTT

21 Attorney for Defendant  
 22 FEDEX GROUND PACKAGE SYSTEM, INC.

23 Dated: February 23, 2023

SCHNEIDER WALLACE COTTRELL  
 24 KONECKY LLP

25 By: /s/ Joshua Konecky

JOSHUA KONECKY

26 Attorney for PLAINTIFFS  
 27  
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**ATTESTATION OF AUTHORIZATION TO SIGN**

Pursuant to Rule 5-1(h)(3) of the Civil Local Rules of this Court, I hereby attest that each of the above-listed signatories have concurred in the filing of this document.

/s/ Jessica G. Scott

ATTORNEY NAME